

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

JOHN COSTANZO JR. and
MANUEL RECIO,

Defendants.

22-CR-281 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Defendant Recio has moved for reconsideration of this Court's October 25, 2022 order disqualifying Mr. Reizenstein from serving as trial counsel. (Dkt. No. 41.) The Government opposes reconsideration. (Dkt. No. 43.)

Recio's motion for reconsideration is denied. First, Recio does not identify any legal authority or information that this Court overlooked, but rather re-argues matters that were fully addressed by the parties and considered by the Court. He therefore fails to meet the standard for reconsideration. In any event, for the reasons explained in the Court's October 25 order and in the Government's response to the motion for reconsideration, the limited stipulation proposed by Recio (and discussed at length during oral argument) would not solve the unsworn witness problem discussed by the Court. See Order at 2 ("the attorney's participation in events that are the subject of testimony can 'impart to the jury [the attorney's] first-hand knowledge of events.'") (quoting *United States v. Kerik*, 531 F. Supp. 2d 610, 616 (S.D.N.Y. 2008)).

Accordingly, the motion for reconsideration (Dkt. No. 41) is denied.

SO ORDERED.

Dated: November 2, 2022
New York, New York



J. PAUL OETKEN
United States District Judge